

REMARKS

This Amendment is submitted in response to the Office Action mailed on April 17, 2003. Claims 1, 13, 20 and 22 have been amended and claims 1-24 remain in the present application. In view of the foregoing amendments, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and request reconsideration of the application in this regard.

Claims 1-24 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-4 and 6-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Troiel, U.S. Patent No. 1,630,644 in view of Eason, U.S. Patent No. 3,854,392. Lastly, claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Troiel in view of Eason and further in view of Hunot et al., U.S. Patent No. 6,393,971. While Applicants respectfully traverse these rejections, Applicants have amended each of independent claims 1, 13, 20 and 22 to more sharply define the present invention over the prior art of record and respectfully request that the rejections be withdrawn.

With respect to the rejections of claims 1-24 as being indefinite under 35 U.S.C. § 112, second paragraph, Applicants have amended each of independent claims 1, 13, 20 and 22 to recite that the rotational axes of the plurality of rollers are fixed relative to the housing. Accordingly, Applicants respectfully request that these rejections be withdrawn.

With respect to the substantive rejections of claims 1-24 over the prior art of record as applied by Examiner, Applicants respectfully submit that the amendments to each of independent claims 1, 13, 20 and 22 clearly define the present invention over the prior art of record and request that the rejections be withdrawn. In particular, each of independent claims 1, 13, 20 and 22 has been rejected as being unpatentable over the hypothetical combination of Troiel and Eason. However, Applicants respectfully submit that there is no motivation provided in the prior art of record for making this hypothetical combination and, even if the references were hypothetically combined as sought by Examiner, the hypothetical combination fails to achieve Applicants' claimed invention as recited in each of independent claims 1, 13, 20 and 22.

Troiel is directed to a range having three roasting spits (27) disposed one above the other. Each spit includes a central rod (33) and a pair of side rods (36), with each spit (27) being mounted to rotate relative to the range (2) so that the central rod and pair of side rods rotate about a rotational axis relative to the range. In the hypothetical combination sought by Examiner, if the rotisserie attachment (10) of Eason were mounted to the spits (27) of Troiel, the rotisserie attachments (10) of Eason would rotate about the axis of each spit (27) such that the rotisserie attachments (10) of Eason would actually flip over during their rotation about the respective axes of the spits (27). Therefore, there would be no

motivation to one of ordinary skill in the art to make this hypothetical combination as sought by Examiner.

Furthermore, Applicants have amended each of independent claims 1, 13, 20 and 22 to recite that the plurality of roller tiers and the rotational axes of the plurality of rollers are fixed relative to the housing. In Examiner's hypothetical combination, both the roller tier and the rotational axes of the plurality of rollers of the Eason rotisserie attachment (10) would rotate about the axes of the spits (27) and therefore with respect to the housing -- contrary to Applicants' claimed invention recited in each of independent claims 1, 13, 20 and 22. Accordingly, the hypothetical combination sought by Examiner fails to achieve Applicants' claimed invention and rejections of independent claims 1, 13, 20 and 22 should be withdrawn.

Moreover, as claims 2-12, 14-19, 21 and 23-24 depend from allowable independent claims 1, 13, 20 and 22, respectively, and further as each of these claims recites a combination of elements not taught or suggested by the prior art of record, Applicants respectfully submit that these claims are allowable as well.


Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, the Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Respectfully submitted,

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